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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (ST.) NO.18274 OF 2007
IN
WRIT PETITION NO.3304 OF 2007

Samata Karmachari Sanghatana & Ors. ..Applicants.

V/s.

The Nashik Municipal Corporation ..Respondent.

Mr.Umesh Mankapur for applicants.

Mr.M.L.Patil for respondent.

Mr.V.A.Sonpal, A.G.P. for State.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 26TH OCTOBER, 2007.

P.C. :-

. The applicants who were the petitioners before this Court have preferred the review against the order of this Court dated 21/6/2007. It is their contention that the petition was disposed by this Court based on an affidavit filed by the Corporation setting out that the employees were not eligible. It is pointed out that in fact that the resolution of the General Body which has reduced the requirement of experience to three years as Junior clerk and as such

they were eligible for the post was not pointed out. It is also pointed out that the scale of Junior Accountant is the same scale as that of a Senior Clerk. On behalf of the Corporation, time was sought to take instructions.

2. Today, Mr.Patil appearing on behalf of the Corporation informs the Court that a proposal has been forwarded to the State Government to suspend the Resolution. On behalf of the petitioner, learned counsel submits that such a proposal under section 451 of the Bombay Provincial Municipal Corporation Act is not maintainable. We are not called upon to decide the controversy in the present review petition as it was not a subject matter in the petition.

3. Suffice it to say that the Review Petition can be disposed of by issuing the following directions-

i) As the Corporation has forwarded the proposal to the State Government to suspend the Resolution, the Corporation not to fill up the remaining post of the Junior Accountants and Junior Auditors till such time as the State Government takes a decision on the proposal forwarded by the

Corporation.

ii) The State Government to take a decision on the same within 4 months from today.

iii) A copy of this order be forwarded to the State Government by the Corporation.

iv) Liberty to the petitioner, if aggrieved by the proposal of the Corporation, to challenge the same in an appropriate proceedings.

4. With the above directions, the review petition disposed of. There shall be no order as to costs.

5. The explanation given by the Registry is accepted with directions that in the future they shall be careful.

(F.I.REBELLO, J.)

(J.P.DEVADHAR, J.)